

Asbestos in Demolition Wastes

Background

Due to its affordability and physical properties, namely, fire retardation, sound absorption and resistance to fire, heat, electrical and chemical damage, asbestos was once a key constituent of many construction materials. Up until the ban on the import, supply and use of white asbestos (chrysotile) in 1999ⁱ, asbestos containing products were used widely by the construction industry.

Although any new use of asbestos products has been banned since 1999 any asbestos containing material (ACM) installed before 1999 can remain in place and there is a risk that any demolition works carried out on buildings more than 15 years old has the potential to produce asbestos contaminated demolition wastes.

It is best practice to remove asbestos from buildings prior to demolition. However this is not always possible e.g. when a building is unsafe to enter. Where asbestos is not removed prior to demolition then assessment is required as to whether the resulting demolition material is special waste.

The aim of this document is to provide users with a brief guide on how best to manage asbestos contaminated demolition wastes and to establish when it is necessary to consign that material as special waste to a site authorised to accept special waste.

Managing Special Wastes

In Scotland, the Special Waste Regulations 1996 (as amended)ⁱⁱ set out procedures to be followed when disposing of, carrying and receiving special waste. The regulations are the principal piece of legislation covering special waste arising in Scotland.

Moving Special Waste

In Scotland all movements of special waste must be accompanied by a Special Waste Consignment Note (SWCN). Further guidance can be found in the SEPA guidance document 'a guide to consigning special waste' which can be found on the SEPA website.

Mixing Special Waste

The mixing of a special waste with other wastes is prohibited unless you have a Waste Management Licence (WML) or are suitably permitted under The Pollution Prevention and Control (Scotland) Regulations 2012 (PPC Permit).

SEPA's interpretation of the Special Waste Regulations 1996 (as amended) is that there is **no de-minimis for levels of special waste** if it is mixed with non-special waste, for example, a few pieces of asbestos cladding, deemed to be special waste, placed in a skip of non-special construction and demolition waste would make the whole skip special waste.

Classifying and Assessing Special Waste

The classification and assessment of Hazardous Waste is based on the presence of one or more of the 15 Hazard Categories, as listed in Annex III to the Waste Framework Directive, The confirmation of a hazard category being present in a waste is done either by testing, such as H1 – Explosive, or by threshold calculation, for example, H7 – Carcinogenic.

All types of Asbestos are carcinogenic and therefore Asbestos contaminated wastes are assessed by threshold calculation and are measured against the threshold value for the H7 – Carcinogenic Hazard Category which is 0.1% w/w.

Detailed guidance on how to classify and assess your special waste can be found in the guidance document 'WM2 - Interpretation of the definition and classification of hazardous waste'. WM2 is produced by the Environment Agency, the Northern Ireland Environment Agency and SEPA.

Assessing and Classifying Asbestos Contaminated Demolition Wastes

Asbestos will generally appear in demolition wastes in two forms, as free and dispersed fibres or as identifiable pieces of asbestos contaminated material (ACMs).

Identifiable Pieces

Where **easily identifiable**, i.e. visible to the naked eye, for example, cement sheeting or floor tiles, the status of pieces of suspected asbestos contaminated material (ACM) may be assessed in isolation. The identifiable pieces will be deemed special waste if the concentration of asbestos, in the piece of ACM, is at or above 0.1% w/w.

Where demolition takes place without prior removal of asbestos then the resultant demolition material will be deemed to be special waste, until proven otherwise, if it contains any identifiable pieces of ACM.

It may be acceptable to remove these ACM's. The removal of suspected ACMs should be done without causing risk to human health or the environment. SEPA would advise users to refer to the Health & Safety Executive (HSE) website and/or contact their local HSE office before attempting the removal of suspected ACMs.

Where the pieces of ACM have not been removed the waste is viewed as being 'mixed waste' and should be described using the following EWC code: **17 06 05* Construction material containing asbestos**. Please Note: In Scotland there is **no de-minimis for levels of special waste** if it is mixed with non-special waste.

Where the pieces of ACMs have been safely removed from the waste they can be classified using the following EWC code: **17 06 01* Insulation material containing asbestos**. They may then be disposed of appropriately, and the remaining demolition waste assessed for free and dispersed fibres.

Free and Dispersed Fibres

Where the asbestos fibres are **free and dispersed** the waste will be deemed Special Waste if the waste, as a whole, exhibits an asbestos content of 0.1% or more. The waste can be classified using the following European Waste Catalogue (EWC) code: **17 06 05* Construction material containing asbestos**.

SEPA's Duties and other competent authorities

Where Asbestos is concerned there can be a degree of crossover in respects to the working practices of the appropriate competent authorities, i.e. the HSE & SEPA and there will be occasions where all the competent authorities co-operate or work together. It should be clear however that although each authority will facilitate the remit of another authority in meeting its own duties the regulatory framework discussed below still applies.

Regulatory Framework

The regulatory framework for managing Asbestos has two broad aims; the protection of human health, for example, workers and general public, and protection of the environment, for example, by managing asbestos wastes.

Role of HSE:

The Health and Safety Executive (HSE) are the key competent for all Health and Safety issues with respect to the risks of working with asbestos and asbestos contaminated materials and they provide guidance on all aspects of managing and working with asbestos such as human health risks, regulatory duties for employers and contractors, and packaging and handling of asbestos wastes on their website: <http://www.hse.gov.uk/asbestos/>.

Role of SEPA:

SEPA are responsible for ensuring that wastes containing asbestos are managed without causing pollution of the environment or harm to human health.

SEPA are also the Competent Authority where Asbestos waste has been fly-tipped or disposed of in an unlawful manner.

Finally

This guidance applies only in Scotland and is based on current understanding. The terms of this guidance may be subject to periodical review and be changed or withdrawn in light of technological developments, regulatory or legislative changes, future government guidance or experience of its use.

ⁱ The Asbestos (Prohibitions) (amendment) Regulations 1999

ⁱⁱ <http://www.legislation.gov.uk/ukxi/1996/972/contents/made>